

Notice of Allowability

Application No.

09/609,662

Applicant(s)

JOHNSKE ET AL.

Examiner

Art Unit

DUC Q DINH

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Communicaiton filed on January 20, 2004.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 30 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-22 are allowed.

Reason for Allowance

2. The present invention related to a paperboard display stand for a point of purchase containment and presentation of products, incorporating in one or more cartridges for holding the products, the one or more cartridges being operably supported by a brace member within a shell. Each independent claim identifies the uniquely distinct features

“at least one cartridge, having an open face, for containing a plurality of products the at least one cartridge having a top wall, at least one side wall and a bottom wall, with attachment tabs emanating rearwardly from at least two of the top wall, at least one side wall and bottom wall;

at least one self-supporting display shell having a display opening in a face thereof, the at least one self-supporting display shell being operably configured for enabling positioning of the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell; and

at least one brace member, operably configured for supporting the at least one cartridge within the at least one self-supporting display shell, to place the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell, the at least one brace member being operably configured to insertingly receive the attachment tabs emanating rearwardly from at least two of the top wall at least one side wall and bottom wall (claim 1). OR

at least one self-supporting display shell having a display opening in a face thereof, the at least one self-supporting display shell being operably configured for enabling positioning of the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell; and

at least one brace member, operably configured for supporting the at least one cartridge within the at least one self-supporting display shell,, to place the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell; and

means for controlling removal of products from the display, operably configured to substantially preclude the simultaneous removal of more than one product from a single cartridge from the display apparatus. (claim 2) OR

at least one cartridge, having an open face, for containing a plurality of products;

at least one self-supporting display shell having a display opening in a face thereof, the at least one self-supporting display shell being operably configured for enabling positioning of the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell; and

at least one brace member, operably configured for supporting the at least one cartridge within the at least one self-supporting display shell, to place the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell; all of which are fabricated primarily from at least one of a paper, a paperboard, and a corrugated paperboard material. (claim 22)

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3. The closest prior art of Brozak, Jr (U. S. Patent No. 6,068,139) and Johnske (U. S. Patent No. 5,984,120) show similar systems, but either singularly or in combination, fail to anticipate or render above quoted limitations obvious.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO 892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edouard Patrick can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2674


REGINA LIANG
PRIMARY EXAMINER

DQD
March 31, 2005